

REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

The Examiner has stated the preferred layout for the specification of a utility application. The Applicant submits a substitute specification which includes section headings and changes the original drawing labels to Figure labels, as required in 37 CFR 1.77(b). No new matter was entered.

The Examiner objects to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference signs. The Applicant submits replacement drawing sheets including Figure labels that correspond to the substitute specification. No new matter was entered.

Additionally, the Examiner objects to claims 16-19 under 37 CFR 1.75(c) as being in improper form, and rejects claims 13-15 under 35 U.S.C. 102(b) as being anticipated by Schiller et al (US5035205).

The Applicant appreciates that the Examiner has located prior art references discloses collapsible disposable litter boxes.

In order to expedite the prosecution of this application, claims 13-17 and 19 have been amended and claim 18 has been canceled without prejudice or disclaimer of the subject matter thereof.

Claims 20-31 have been added to more completely cover certain aspects of the Applicant's invention.

The Applicant requests a reconsideration of the 102(b) rejection as compared to the amended and newly added claims. The Examiner mentions "oblique plies 16b are provided in the upper part of the frontal face at the meeting point of the horizontal ply with the side face 16a, 18a". The Applicant would like to point out that element 16b in the Schiller reference is not an oblique ply, but is a side wall like 16a, 18a, and 18b. Furthermore, the Schiller does not disclose or make a teaching of using an oblique ply, wherein oblique is defined as "Having a slanting or sloping direction, course, or position; inclined."

Amended claim 13 further includes the limitations of canceled claim 18. This limitation of "wherein the top edge of the back face is shaped of three curves, of which are two sharp curves at the corners and a lower plane curve in the middle between the sharp curves" is not disclosed or taught in the Schiller reference.

Newly added independent claim 27 includes all the limitations of amended claim 13 and the further limitation of "wherein the top edge of the back face is shaped of three curves configured to resemble a cat's head, the three curves comprising two sharp curves at the corners resembling ears and a lower plane curve in the middle between the sharp curves resembling a brow". This limitation is not disclosed or taught in the Schiller reference.

Consequently, amended claim 13 of the present application are believed not to be anticipated by the Schiller reference, and therefore a request for withdrawal of the Examiner's rejection is respectfully submitted.

Proceeding from the above, it may be considered that the claims 14-17 and 19, as being dependent claims to claim 13, are also believed not to be considered unpatentable. Claims 20-31 are believed to have limitation that are not disclosed or taught by any of the references cited by the Examiner in the Office Action, and therefore are believed to patentable.

The Applicant requests that the Examiner reconsiders his rejections of the invention in view of the well established principle that small differences in a crowded art can constitute patentable improvement. See *In re Baum*, 51 USPQ 470 (CCPA 1941) and *In re Lange*, 126 USPQ 365 (CCPA 1960). In considering this principle, the Applicant would also request that the Examiner take note to the court decision which notes that "apparent simplicity has been held to furnish strong argument for patentability where, as here, a need has existed for a structure of the nature disclosed and claimed. The fact that a solution to a problem is simple, or appears to be simple when viewed in retrospect, does not mean that the solution was obvious when it was conceived." See *Ellipse corp. v. Ford Motor Co.*, 171 USPQ 513.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel

that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or email at davidguerra@verizon.net.

No additional fee is due.

Respectfully Submitted,



David A. Guerra, Reg. 46,443

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On (Date) July 5, 2006 by David A. Guerra 

TITLE OF THE INVENTION
DISPOSABLE TOILET-BOX FOR CATS

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is an U.S. national phase application under 35 U.S.C. §371 based upon co-pending International Application No. PCT/IT2003/000475 filed July 30, 2003. Additionally, this U.S. national phase application claims the benefit of priority of co-pending International Application No. PCT/IT2003/000475 filed July 30, 2003, and Italian Application No. VA2002A000042 filed July 30, 2002. The entire disclosures of the prior applications are incorporated herein by reference. The international application was published February 5, 2004 under Publication No. WO 2004/010772 A2.

STATEMENT REGARDING FEDERALLY SPONSEORED RESEARCH OR DEVELOPMENT

Not Applicable

THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

Not Applicable

INCORPORATION BY REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC

Not Applicable

BACKGROUND OF THE INVENTION

~~DESCRIPTION DISPOSABLE TOILET-BOX FOR CATS~~Field of the Invention The invention is referred to the boxes (or trays) into which one fill sand (or hygienic litter) and which are used as toilet by cats. It is a toilet-box realized in the disposable version, which after having been used is destined to the trash together with its contents.

BRIEF SUMMARY OF THE INVENTION

Explanatory note: The disposable toilet-box for cats has been developed in consequence of the necessity to take a cat on a journey and having to stay for a couple of days in a place where they were not organized for animals. The normal equipment for the physiological relieves of the cat was too big for the luggage. In the shops they offered several models of cat litter boxes and separately packaging containing hygienic litter and some other equipment like plastic film or bags for collecting the litter but there wasn't found anything handy, quick to use and easy to get rid of it. So a simple and provisory execution has been realized and, supposing that somebody else might have the same necessity, this was examined and a new, practical and disposable object has been defined.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S)

The invention will be better understood and objects other than those set forth above will become apparent when consideration is given to the following detailed description thereof. Such description makes reference to the annexed drawings wherein:

Figure 1 is a front perspective view of the preferred embodiment of the disposable toilet-box for cats constructed in accordance with the principles of the present invention.

Figure 2 is a front perspective view an opened and closed of the disposable toilet-box for cats constructed in accordance with the principles of the present invention.

Figure 3 is a top plan view of the disposable toilet-box for cats constructed in accordance with the principles of the present invention.

Figure 4 is a bottom perspective view of the disposable toilet-box for cats constructed in accordance with the principles of the present invention.

The same reference numerals refer to the same parts throughout the various figures.

DETAILED DESCRIPTION OF THE INVENTION

The characteristic of being the toilet-box for cats disposable has been considered fundamental.

The enclosed ~~DRAWING A~~ Figure 1 show a model for better understanding and example.

It is intended to be realized in two different types: 1) Full toilet-box: the packaging (rigid, semirigid or pliable-box, tray or other) containing the sand (or hygienic litter or other material for receiving the animal's excrements) is executed in a way that, after having been opened, it can be used as toilet by the animal and after the use it is destined to the trash together with its contents.

A saving of effort is deriving therefrom for not having to transfer the material before and after the use and an advantage from the hygienical point of view for not needing to handle the dirty material too much after use;

Explanatory note: This corresponds to the disposable toilet-box shown on the enclosed ~~DRAWING A~~ Figure 1. It is made of carton and has a shape that makes it recognizable as being for cats. It is characterized by a particular opening and closing system and a 3-layer bottom to secure it against wetness.

The particularity of the opening and closing system makes the box becoming higher when it is open and lower when it is closed. This gives more space for the cat when moving inside and avoids the litter to come out of the box while being it lower when it is closed the box becomes smaller, easier to handle and to throw away. Furthermore the cover, besides having a shape that alludes to a cat's head, is executed for being easy to open, to close and to fix when closed for keeping the material safe inside.

The features and the closing and opening mechanism are described herebelow (the dimensions can be deduced from the enclosed ~~DRAWING A.2~~ Figure 3): Features:
When it is open, the box is a rectangular box with 5 faces: the bottom, 4 vertical faces,

no cover (2 short side faces and the frontal and the back face being longer). The 2 side faces and the frontal have the same height. The back face is considerably ~~higher~~higher as the exceeding part becomes the cover of the box.

The top edge of this part has a particular shape (3 curves: 2 sharp curves at the corners and a lower plane curve in the middle between them) which is made for fixing the cover when it is closed and which has been cut in a way that makes it look like the two ears and the brow of a cat.

The movement is made possible by the following plies: there is one outcoming horizontal ply at half height all along the 4 side faces which subdivides them into upper and lower part and 4 oblique entering plies distributed as follows : one on each side face, in the upper part and starting from the a. m. horizontal ply where the latter meets with the back face of the box ; and respectively one left and one right on the upper part of the frontal face, starting from the horizontal ply where this meets with the side face.

Closing and opening mechanism: The closing and opening is done by acatenated movement which starts from the cover and is transmitted by the outcoming and entering plies to the upper part of the box. The outcoming horizontal ply becomes the upper border of the box when it is closed.

When lowering the cover, this transforms the upper part of the 2 side faces and the frontal face, by acting on the plies, into 3 flaps which are oriented towards the internal side of the box. The cover pushes down the two lateral flaps and the two lateral flaps push down the frontal flap.

When pushing down the cover until bringing the "brow" under the frontal flap the box is closed.

And it is quite secure against accidental opening because the "ears" keep the lateral flaps into position and the pressure exerted by the lateral flaps on the extremities of the frontal flap makes the latter resistant against some opposition of the cover.

The box can be opened by pulling up the two "ears" and bringing the cover in the vertical position. The 3 flaps will then return in their original position and become part of the 4 vertical faces again. (See ~~drawing A.1~~ Figure 2 at this purpose).

The 3-layer bottom: This is obtained by folding the 4 flaps of the bottom and sticking them together. The two larger cover each the whole surface of the bottom and, there between, the two smaller together cover the same surface. The way of folding them is very simple and shown on ~~drawing A.3~~ Figure 4.

2) Empty toilet-box: this is an empty container (box, pliable box, tray or other) which, after having been filled with sand (or hygienic litter or other material for receiving the animal's excrements), is used by the cat as toilet and which after the use is destined to the trash together with its contents.

An advantage is deriving therefrom for having the possibility to fill in the desired quantity of sand (or hygienic litter or other material for receiving the animal's excrements) and an advantage from the hygienical point of view for not needing to handle the dirty material too much after use.

Explanatory note: The possibility has been considered of making the disposable toilet-box for cats available in an empty version as well because this might offer some advantages when preferring to choose the quantity of litter to fill in, or wanting to fill in a particular type of litter or considering it easier to stock or to carry.

Both types have been devised in the following two versions: as self-standing toilet-box and as spare toilet-box to be received by another structure.

Explanatory note: In some cases it might be preferable to have a permanent and not degradable structure to hold the disposable toilet-box; for example when it is kept outside. The model shown on ~~drawing A~~ Figure 1 is intended to be a full selfstanding type but it could also be used in this sense because the dimensions chosen already fit into some available plastic cat litter boxes.

Anyway it can also be produced in different sized and proportions and some other models are at study.

The possibility is reserved to realize the disposable toilet-boxes with various types of devicing, for example: that they can be closed after the use, that they are realized with biodegradable materials, that they are realized in different models, shapes and sizes, that they are made recognizable for eventual differentiated trash collections, that they are adapted for being used by other animals as well, etc.

Explanatory note: A simple devicing of the illustrated disposable toilet-box for cats is already offered by the covering: when it is open it could be a protection or better separation if it has to be placed against a wall or close to another object, and also it can be used by male cats for putting their marks on it as they do this sometimes on their toilet place. Some other improvements could of course be apported like providing it with a handle for being carried like a suitcase etc. and the possibility has been taken into consideration to modifying it for being used by some other animals as well. In the latter case the shape of the cover of the model on ~~drawing A~~ Figure 1 would be changed for alluding to another animal.

Some other models of disposable toilet-boxes are at study.

ABSTRACT OF THE DISCLOSURE

Box for containing sand (or hygienic litter or other material for receiving the excrements of animals) which can be used as toilet by the cat and which is realized in disposable execution, i.e.: that after the use it is destined to the trash. Realized in two types: full toilet-box (it already contains the sand) and empty toilet-box (it must be filled with sand). Both types have been devised in two versions: as self-standing disposable toilet-box or as spare disposable toilet-box for being received by another structure.